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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,431	01/22/2001	William M. Johns	111788.00101	9036
27557	7590	06/12/2009	EXAMINER	
BLANK ROME LLP WATERGATE 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037			TRUONG, LAN DAI T	
		ART UNIT	PAPER NUMBER	
		2452		
		MAIL DATE		DELIVERY MODE
		06/12/2009		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. This Action is sent out to replace the “Detail Action” issued on 04/30/2009 to indicate that the dependent claim 12 is now depended on independent claim 1 (instead of the canceled claim 4).

2. This action is response to communications: application, filed on 01/22/2001; Appeal Brief filed on 01/14/2009; claims 1-2 and 6-14 are pending; claims 3-5 are canceled.

EXAMINER'S AMENDMENT

3. Examiner's amendments to the records appear below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

4. Authorization for this examiner's amendment was given in a telephone interview with Attorney David J. Edmondson, Reg. No. 35,126 on April 16, 2009.

5. The claims have been amended as follows:

Claim 1: (currently amended)

a method for monitoring performance and availability of application servers on a network, including a percentage of time that each of the application servers is available to an end user relative to the time the application servers are intended to be available and a responsiveness of the application servers to the end user in terms of a delay between the

end user's entering data into a workstation keyboard and a response from one of the application servers with new data on the user's workstation screen, the method comprising:

- (a) running at least one performance monitor process on the network, said at least one performance monitor process watching network activity to and from the application servers to entry servers which connect the network to the end user's workstation and creating a transaction response time log and activity audit trail for the network;
- (b) running a network monitor manager process on the network, for consolidating information from the transaction response time log;
- (c) establishing a connection from the network monitor manager process to said at least one performance monitor process to control said at least one performance monitor to send a pseudo message for tracking time in the network to an entry server to determine said network availability; and
- (d) receiving the pseudo message from said at least one performance monitor process and determining a response for the pseudo message for each segment of the network traversed by the pseudo message to determine where problems regarding said availability exist within the network connection for the entry server.

(i) running a client-server monitoring process on a server dedicated to the client-server monitoring process;

(j) receiving, in the client-server monitoring process, information about transactions executed by production applications on the network; and

(k) determining performance and availability of the production applications in accordance with the information received in step (j); wherein step (j) comprises running a

filtering agent on each or on behalf of each of the production applications to convert the information from application logs into a form usable by the client-server monitoring process; wherein the network comprises a mainframe having at least one logical partition which generates an application log; and the method further comprises step (l) monitoring the application log through a mainframe monitoring process.

Claims 3-5: (canceled)

Claim 6: (currently amended)

The method of claim 5 1, wherein:

the application log comprises transaction entries having end-user addresses; and step (l) comprises categorizing the transaction entries by the end-user addresses.

Claim 12: (currently amended)

The method of claim 4 1, wherein each said filtering agent detects processes running on the network and cross-references the detected processes to known processes, and further comprising forming an event correlation engine in accordance with the detected processes.

Reasons for allowance

6. With respect to claim 1, the prior arts of record, singly or in combination fails to teach the features of claim(s) limitations thereof. Specially, *inter alia*, it fails to teach a method for monitoring performance and availability of application servers on a network, including a percentage of time that each of the application servers is available to an end user relative to the time the application servers are intended to be available and a responsiveness of the application servers to the end user in terms of a delay between the

end user's entering data into a workstation keyboard and a response from one of the application servers with new data on the user's workstation screen, the method comprising sequence steps of : running at least one performance monitor process on the network, said at least one performance monitor process watching network activity to and from the application servers to entry servers which connect the network to the end user's workstation and creating a transaction response time log and activity audit trail for the network; running a network monitor manager process on the network, for consolidating information from the transaction response time log; establishing a connection from the network monitor manager process to said at least one performance monitor process to control said at least one performance monitor to send a pseudo message for tracking time in the network to an entry server to determine said network availability; receiving the pseudo message from said at least one performance monitor process and determining a response for the pseudo message for each segment of the network traversed by the pseudo message to determine where problems regarding said availability exist within the network connection for the entry server; running a client-server monitoring process on a server dedicated to the client- server monitoring process; receiving, in the client-server monitoring process, information about transactions executed by production applications on the network; and determining performance and availability of the production applications in accordance with the information received in the client-server monitoring process; wherein the step of receiving, in the client-server monitoring process, comprises running a filtering agent on each or on behalf of each of the production applications to convert the information from application logs into a form usable by the client-server monitoring process; wherein the network comprises a mainframe having at least one

logical partition which generates an application log; and the method further comprises a step of monitoring the application log through a mainframe monitoring process.

Claims 2 and 6-14 further limit the allowed claim, therefore they are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAN-DAI Thi TRUONG whose telephone number is (571)272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ldt.

06/09/2009.

/Kenny S Lin/

Primary Examiner, Art Unit 2452